

REMARKS

This Amendment is being filed concurrently with a Request for Continued Examination and in response to the Final Office Action dated August 22, 2007. Claims 1, 7, 15 and 16 have been amended. Claims 12 through 14 and 19 through 22 were previously cancelled. The application now includes claims 1 through 11, 15 through 18 and 23, with claims 1, 15 and 16 being independent claims.

In the Final Office Action, the Examiner rejected claims 1 through 11 and 15 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner stated that the term "supporting structure" in independent claim 1 and the term "said first end" in independent claim 15 lack an antecedent basis. Applicants have amended claim 1 to replace "supporting structure" with -- supporting shell--, which does have an antecedent basis. Additionally, applicants have amended claim 15 to more fully describe the claimed structure. Furthermore, applicants note that claims 2 through 11 are depend upon amended independent claim 1 and thereby include all of the limitations recited therein. Applicants believe that the concerns of the Examiner have be addressed by the amendment of claims. Accordingly, applicants respectfully request that the Examiner withdraw his rejection of claims 1 through 11 and 15 under 35 U.S.C. §112.

In the Final Office Action, the Examiner also rejected claims 1 through 6 and 8 through 11 as being anticipated by EP0452622. The Examiner stated that the EP0452622 reference disclosed all of the limitations recited in the rejected claims. With regard to independent claim 1, the Examiner stated that the EP0452622 reference disclosed a mounting device (1) for securing a control unit (18) to a vehicle comprising a one piece outer supporting shell (3).

Applicants have carefully reviewed EP0452622 reference and note that the document concerns supporting a flexible beam 18 within an aperture formed through a supporting housing 19. As clearly stated in the Abstract of the EP0452622 reference:

The beam is held in a housing 19 via *two* half shells (1, 1') which consist of an outer layer (2) and intermediate elastomer layers (5, 6, 7) and of an elastomer film (4) facing the flexible beam (18). (Emphasis Added)

Amended independent claim 1 clearly recites a *one piece* bracket outer supporting shell (Emphasis Added). As described above, the EP0452622 reference discloses two half shells forming an outer layer, not a one piece shell, as recited in amended claim 1. Application of the teachings of the EP0452622 reference to claim 1 would result in a two piece supporting shell. Therefore, applicants believe that the EP0452622 reference actually teaches away from amended claim 1. Additionally, applicants note that the EP0452622 reference regards securing a flexible beam 18 within a housing 19. Accordingly, applicants believe that amended independent claim 1 is not anticipated by the EP0452622 reference. Additionally, applicants believe that nothing in the EP0452622 reference shows or suggests securing a control unit, as recited in amended independent claim 1, to a housing. Indeed, applicants believe that the invention disclosed by the EP0452622 reference is directed toward structural building techniques. Applicants believe that structural building techniques would be non-analogous field of art regarding securing a control unit to a vehicle, as the field of the present invention. In view of the above comments, applicants believe that amended independent claim 1 is patentable over the art of record and respectfully request that the Examiner withdraw his rejection of the claim.

Claims 2 through 6 and 8 through 11 are dependent upon amended independent claim 1 and include all of the limitations recited therein. Accordingly, for the reasons given above, applicants also believe that claims 2 through 6 and 8 through 11 are not anticipated by the EP0452622 reference and respectfully request that the Examiner withdraw his rejection of the claims.

In the Final Office Action, the Examiner also rejected claim 7 under 35 U.S.C. 103(a) as being unpatentable over the EP0452622 reference in view of the Applicant's Admitted Prior Art (AAPA). The Examiner stated that the EP0452622 reference teaches all of the limitations recited in claim 7 except that the control unit is an

electronic control unit that is attached to a hydraulic valve body to form an electro-hydraulic control unit. The Examiner further stated that the AAPA teaches an electronic control unit that is attached to a hydraulic valve body to form an electro-hydraulic control unit.

Applicants have amended claim 7 to recite a bracket for securing an electro-hydraulic control unit to a vehicle surface. The amendment of claim 7 is supported by the last line of paragraph no. [007] where it is stated that:

The mounting bracket is then attached to the engine compartment or chassis *surface*. (Emphasis Added.)

Thus, the amendment of claim 7 adds no new material.

Applicants note that the EP0452622 reference discloses a flexible beam 18 that extends through an opening formed in a supporting housing 19. Nothing in the EP0452622 reference shows or suggests a control unit that is surface mounted, as recited in amended claim 7. Even if the AAPA regarding forming an electro-hydraulic control unit is combined with the teachings of the EP0452622 reference, a surface mounted unit will not result. Additionally, claim 7 is dependent upon amended independent claim 1 and includes all of the limitations recited therein. Accordingly, for the reasons given above, applicants believe that amended claim 7 is patentable over the art of record and respectfully request that the Examiner withdraw his rejection of the claim.

In the Final Office Action, the Examiner further rejected independent claim 15 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 2,189,653 to Luthe in view of U.S. Patent No. 6,114,950 to Schaible et al. The Examiner stated that the Luthe reference teaches all of the limitations recited in the claim except for a layer of resilient material disposed between two members of a supporting structure. The examiner further stated that the Schaible et al. reference teaches a layer of resilient material between a second end of an outer supporting structure and an inner

supporting structure, as shown in Figs. 3A through 3C and described in column 4, lines 47 through 50 of the reference. The Examiner then concluded that it would be obvious to combine the Luthe and Schaible et al. references.

Applicant has amended independent claim 15 to recite the structure illustrated in Fig. 5 of the present invention. Amended claim 15 recites an outer supporting structure having a base portion (65) and a cylindrical threaded outer portion (67) formed integrally with the base portion and extending from the base portion. Amended claim 15 also recites an inner supporting structure that has a base portion (64) and a cylindrical threaded inner portion (66) formed integrally with the base portion and extending from the base portion. Amended claim 15 further recites a layer of resilient material (62) disposed between base portion of the outer supporting structure and the base portion of the said inner supporting structure.

Applicants believe that neither of the cited references show or suggest the structure recited in amended independent claim 15. With regard to the Luthe reference, the Examiner stated that the reference teaches an outer supporting structure (21) having an outer threaded portion (24) formed integrally therewith and extending therefrom. However, the Luthe reference states, in column 3, lines 41 through 43, that:

A spring washer 24 is placed under the knurled head of the cover screw 22 and on top of the cover 21. (Emphasis Added.)

Thus, the amendment of claim 16 adds no new material.

A spring washer is clearly not an outer threaded portion and, being a separate component, is not formed integrally with the outer supporting member, as recited in amended claim 15.

The Examiner also stated that the Luthe reference teaches an inner supporting structure (16) having a threaded portion (41) formed integrally therewith and extending therefrom. However, the Luthe reference states, in column 3, lines 68 through 74, that:

This switching mechanism comprises a supporting terminal block 40 constructed of insulating material which is clamped to the reinforced leg 20 of the bracket 16 by means of *a pair of holding screws 41 and 42* threaded into the rear surface of the terminal block 40. (Emphasis Added.)

A holding screw is a separate component and thus is not formed integrally with the outer supporting member, as recited in amended claim 15.

Regarding the Schaible et al. reference, while the reference does disclose a detector housing 100 that is carried by a mounting bracket, Figs. 3A through 3C do not illustrate how the detector housing is actually attached to the mounting bracket. Also, column 4, lines 47 through 50 of the Schaible et al. reference states that:

Alternatively, the housing 100 is held in the bracket 110 by resilient fastening means (not shown), such as *rubber pads with threaded mounting screws*. (Emphasis Added.)

Rubber pads with threaded mounting screws are separate components, not threaded portions that are formed integrally with a base portion and extending from the base portion, as recited in amended claim 15. Indeed, by disclosing separate components, applicants believe that both of the cited references actually teach away from the structure recited in amended claim 15. Because neither of the cited references teach the recited structure, combining the references will not produce the structure recited in amended claim 15. Accordingly, applicants believe that amended claim 15 is patentable over the art of record and respectfully request that the Examiner withdraw his rejection of the claims.

In the Final Office Action, the Examiner also rejected claims 16 through 18 under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of the Schaible et al. reference. The Examiner stated that the AAPA teaches a control unit assembly. The Examiner further stated that the AAPA does not teach a one piece bracket outer supporting shell and a layer of resilient material disposed within and attached to the

outer supporting shell. The Examiner then stated that the Schaible et al. reference teaches a one piece bracket outer supporting shell and a layer of resilient material disposed within and attached to the outer supporting shell.

Applicants have amended independent claim 16 to recite a layer of resilient material forming an insulative barrier that separates an outer supporting bracket from a control unit with the resilient material selected to absorb acoustic noise and vibrations. The amendment of claim 16 is supported by paragraph no. [022] where it is stated that:

The polymer absorbs acoustic noise and vibrations while the metal provides stiffness to the bracket 20 to provide a desired high first natural vibration frequency to the combined bracket and electro-hydraulic control unit assembly. (Emphasis Added.)

Applicants have carefully reviewed the Schaible et al. reference and notes that the reference states, in column 4, lines 39 through 47 that:

The mounting bracket 110, as shown in Fig. 3C, for fixedly mounting the housing to the vehicle, has a resilient coating covering at least part of the bracket. The covering is adapted to substantially absorb *ultrasonic* vibrations generated by said ultrasonic transceiver, thus preventing the vibrations to spread to adjacent vehicle parts where the vibrations may be radiated and cause false indications picked up by the ultrasonic transceiver 10 and the receiver signal processing means 20. (Emphasis Added).

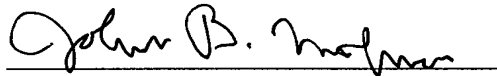
Webster's New World Dictionary defines ultrasonic as "designating or of a frequency of mechanical vibrations *above* the range audible to the human ear, i.e., above 20,000 vibrations per second" (Emphasis Added). The same dictionary defines acoustic as "having to do with hearing or with *sound as it is heard*" (Emphasis Added). Applicants believe that the Schaible et al. reference actually discloses a resilient material that absorbs ultrasonic vibrations, not acoustic noise, as recited in amended independent claim 16. Indeed, applicants believe that applying the teachings of the Schaible et al. reference to the structure recited in claim 16 would result in a

control unit assembly that does not absorb acoustic noise and vibrations, as recited in the amended claim. Accordingly, applicants believe that amended independent claim 16 is patentable over the art of record and respectfully request that the Examiner withdraw his rejection of the claim.

Regarding claims 17 and 18, the claims are dependent upon amended independent claim 16 and include all of the limitations recited therein. Accordingly, for the reasons given above, applicants also believe that claims 17 and 18 are patentable over the art of record and respectfully request that the Examiner withdraw his rejection of the claims.

In view of the amendments and above remarks, it is believed that the application is now in condition for allowance.

Respectfully submitted,

A handwritten signature in cursive script, reading "John B. Molnar", is written over a horizontal line.

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